

**ZB# 02-22**

**Ray Donovan**

**8-1-18**

Prelim.

Apr. 22, 2002.

Public Hearing:

June 10, 2002.

Motion to

Grant.

Granted

Refund: \$198.50

#02-22 Donovan, Ray

Area

8-1-18

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Donovan  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 02-2A

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE \_\_\_\_\_

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

\*

\*

\*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/22/02 - 3 ..... \$ 13.50

2ND PRELIMINARY- PER PAGE 6/10/02 - 4 ..... \$ 18.00

3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_

PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_

PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_

TOTAL ..... \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 4/22/02 ..... \$ 35.00

2ND PRELIM. 6/10/02 ..... \$ 35.00

3RD PRELIM. .... \$ \_\_\_\_\_

PUBLIC HEARING. .... \$ \_\_\_\_\_

PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_

TOTAL ..... \$ 101.50

LESS ESCROW DEPOSIT ..... \$ 300.00

(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_

REFUND DUE TO APPLICANT . \$ 198.50

*paid ck # 6745  
5/20/02.  
paid ck  
# 6744.*

#02-26

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#456-2002**

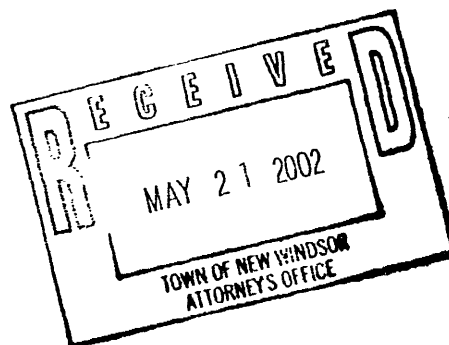
05/20/2002

Donovan, Raymond  
204 Summit Drive  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees on 05/20/2002. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



Raymond Donovan  
Linda Donovan  
204 Summit Dr. 562-7784  
New Windsor, NY 12553

Date May 20, 2002

Pay to the Town of New Windsor \$ 50.00  
City 00  
100 dollars

FLEET BANK  
NEWBURGH 27520  
NEWBURGH, NY 12550

for ZBA # 02-26

Linda Donovan

⑆02⑆3000⑆9⑆ 52050 ⑆036⑆⑆ 5745

© DESIGNER CHECKS • CUT AS A BLUE

© BARBARA W. WILSON

Raymond Donovan  
Linda Donovan  
204 Summit Dr.  
New Windsor, NY 12553

Date May 21, 2002

6744  
1/213

Pay to the order of Raymond & Linda Donovan  
Three Hundred

\$ 300.00

dollars

Security Features  
Check for details on back

PLAZA BANK  
NEW YORK, NY 10010

for deposit only #02-26

Linda Donovan

⑆02⑆300019⑆ 52050 10361⑈ 6744

-----X  
In the Matter of the Application of

**RAYMOND DONOVAN**

#02-2~~5~~<sub>6</sub>  
-----X

MEMORANDUM  
OF DECISION  
GRANTING AREA  
VARIANCES

**WHEREAS, RAYMOND DONOVAN**, 204 Summit Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 9 ft. rear yard variance for an existing deck, and 5 ft. 6 in. side yard and 6 ft. rear yard variance for an existing shed the above residence, in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 10th day of June, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in opposition to the Application, however a letter of support was received and filed from an adjacent neighbor; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The property is irregularly shaped, having a curved front yard.

(c) Since the time the house was purchased, the Zoning Local Law of the Town of New Windsor has been amended. It is not clear whether or not the deck was properly permitted under the Zoning Local Law as it existed when the deck was originally constructed.

(d) The Applicant has replaced the deck that existed at that time, but the new deck does not project any closer to the property line than the deck which it was built to replace.

(e) The deck and shed have been in existence for approximately ten years and there have been no complaints formally or informally.

(f) Neither the deck nor the shed have created any water hazards, or changed the course of drainage from the property.

(g) Neither the deck nor the shed is constructed over any water or sewer easements.

(h) The deck and shed are similar to other decks and sheds in the neighborhood.

(i) No substantial vegetation of any kind has been removed in the construction of the shed or deck.

(j) The deck is necessary for the health, safety and welfare of the occupants of the home located on the property since without the deck, a person exiting the rear of the home would probably sustain serious injury.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.



5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

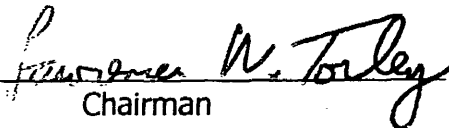
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT the requested area variances as sought in the first paragraph of this decision, at the above address, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 09, 2002.

  
Chairman

Date 6/28/02, .....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Raymond Donovan DR. 204 Summit Dr, New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
6/28/02		
Refund of Escrow Deposit		
# 02-36	\$198.50	
Approved: Patricia A. Corsetti		
ZBA		

Date 6/28/82

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
6/10/82	Zoning Board Mtg		75 00	
	Misc. - 4			
	Kocher - 5			
	Hudson Valley Drilling - 2			
	Weissman - 3			
	House of Apache - 21			
	Donner - 4			
	Westage Corp. - 3			
	Smith - 2			
	Denhoff - 10			
	<u>54</u>		<u>243 00</u>	
			<u>318 00</u>	

DONOVAN, RAYMOND

Mr. Raymond Donovan appeared before the board for this proposal.

MR. TORLEY: Request for 9 ft. rear yard, <sup>variance for deck,</sup> and 5 ft. 6 in. side yard and 6 ft. rear yard variance for existing shed ~~and 9 ft. rear yard variance for existing deck~~ at 204 Summit Drive in an R-4 zone.

MR. DONOVAN: I think the first 9 foot should have been for the deck, I think I got the 9 foot.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Seeing no one, so note, please. Yes, sir?

MR. DONOVAN: Well, I'm still looking for my variance. Like I wrote on my application, my original deck was 31 feet from the rear property line and it was a 12 x 20 deck, I put a new deck up which is 31 feet from the property line but now it's 12 x 45, so I never got closer to my property line than my original deck when I purchased my home which was built brand new at the time.

MR. TORLEY: When was that, sir?

MR. DONOVAN: '72, I believe '72 or '73. Last time, when I came to the preliminary, I brought a paper that showed the lot and my home with the deck originally and all I did was make the deck the length of the back of the house, you know.

MR. KANE: Squared back yard or do we have a cut corner?

MR. KRIEGER: No, back yard is square, the front yard is curved.

MR. TORLEY: I assume the deck was, did not meet the code at the time, simply was not caught?

MR. BABCOCK: As you remember, Mr. Chairman, at some point in time, the town changed the way that they

looked at setbacks for rear decks and whether a deck was attached to the house or not attached to a house, basically, at some point in time, I don't know what that was, I didn't work here at that time, basically if there was no setback for a deck that was attached you could build a deck all the way to your property line and your neighbor would build a deck to his property line. I'm not sure if his deck was legal or not legal, it was there and there forever, we know that and he's basically replacing it. But today, the way that we look at the code, if he wants to replace the deck, he has to replace under the zoning.

MR. DONOVAN: It has been replaced, it's the existing deck.

MR. BABCOCK: Yeah.

MR. DONOVAN: I'm in the process of selling my home and the only reason my real estate agent told me I needed to get a C.O. for the deck being I changed it and I put an application for the building permit with the existing deck, I was denied because I didn't have 40 feet.

MR. KANE: Any complaints formally or informally about the deck?

MR. DONOVAN: No.

MR. MCDONALD: It looks like other decks in the area?

MR. DONOVAN: Yes, I put an A-frame, same siding as my home, blends right in.

MR. TORLEY: Other houses in your neighborhood have similar, not identical, but similar decks?

MR. DONOVAN: Yes, lot of people have changed their decks, made them bigger, the length of the house just like I did.

MR. KANE: Create any water hazards or runoff?

MR. DONOVAN: No.

MR. KANE: Cut down any trees?

MR. DONOVAN: No.

MR. KANE: The shed, that's an existing shed?

MR. DONOVAN: Yes.

MR. KANE: How long has it been in existence?

MR. DONOVAN: Ten years.

MR. KANE: Any complaints formally or informally on the shed?

MR. DONOVAN: No.

MR. KANE: Any creation of water hazards or cutting down of trees?

MR. DONOVAN: No.

MR. TORLEY: Are you over any water or sewer easements?

MR. DONOVAN: No.

MR. KANE: Shed similar to other sheds in your neighborhood?

MR. DONOVAN: Yes, almost looks like my house, two windows just like the house, same roof as my house.

MR. TORLEY: Would you read in the mailing list, please?

MS. CORSETTI: Right, on May 22, we sent out notices to 60 adjacent property owners.

MR. KANE: And the taking down the deck at this point or not having the deck off the back of the house would be a safety issue?

MR. DONOVAN: Taking it down definitely would be a safety issue and I would most likely not be able to

sell my home if I didn't have the deck.

MR. KANE: Moving the shed after ten years would be virtually impossible?

MR. DONOVAN: Yes.

MR. KANE: Even though it's self-created.

MR. TORLEY: It becomes a balancing act, we must be balancing the detriment if any to the community against the applicant's gains.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir, if there are no other questions at this time.

MR. KANE: I move we grant the requested variances by Raymond Donovan for his home at 204 Summit Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

April 22, 2002

4

DONOVAN, RAYMOND

*and 6 ft. rear yard*  
MR. TORLEY: Request for 9 ft. rear yard *for deck* and 5 ft. 6 in. ~~inside yard~~ variances for existing shed at 204 Summit Drive in R-4 zone.

Mr. Raymond Donovan appeared before the board for this proposal.

MR. DONOVAN: All right, I brought a picture of the deck and now when I purchased my home, it was brand new, I had a deck on it and all I did was make it the length of the back of my house and there's my layout when I purchased the home and I had a deck and what I did is I made it the length of the house. My original deck wasn't 40 feet somewhere along the line somebody okayed it originally.

MR. KANE: Creating any water hazards or anything in putting the deck in?

MR. DONOVAN: Nope.

MR. KANE: Cutting down any trees?

MR. DONOVAN: No.

MR. KANE: Answer a couple question that we need. The deck that you have and the placement that you have it is similar to other decks that are in your neighborhood?

MR. DONOVAN: Yes.

MR. REIS: Excuse me, we're looking for a deck, not a shed?

MR. DONOVAN: I've got the shed.

MR. TORLEY: Deck is rear yard and--

MR. KANE: So it's a 9 foot rear yard and--

MR. TORLEY: Nine foot rear yard for the deck and five foot six inch side yard for the shed.



MR. KANE: Got it. Doesn't say that.

MR. TORLEY: I'm assuming that's correct, right, Mike?

MR. BABCOCK: There's two different paperworks.

MS. CORSETTI: There's an amended Notice of Denial that came down. Says 9 foot rear for the deck and then five foot six inch for the shed.

MR. BABCOCK: Also 6 foot rear for the shed.

MR. TORLEY: Now, thank you for the pictures, the shed is, why is it there, can you, is it feasible for you to move it someplace else?

MR. DONOVAN: Never.

MR. TORLEY: Because the "I want" doesn't count as far as grounds for a variance, it's got to be unreasonable cause, economic hardship, I mean, it would be difficult or expensive to move this shed to place it someplace that would meet the zoning code?

MR. DONOVAN: Yes, you know, I have a very small back yard and that's why I placed it in the corner back there.

MR. KANE: How long has the deck been in existence or the shed, excuse me?

MR. DONOVAN: Ten years.

MR. KANE: Any complaints formally or informally about the shed?

MR. DONOVAN: No.

MR. KANE: Other neighbors in your neighborhood have sheds similar in their yard?

MR. DONOVAN: Yes.

MR. TORLEY: You'll be answering the same questions at

April 22, 2002

6

the public hearing.

MR. DONOVAN: Right.

MR. TORLEY: You asked about the deck not causing any water problems?

MR. KANE: Yes, I asked him.

MR. TORLEY: Neither the deck or shed is over a well or septic or any other easements?

MR. DONOVAN: No, I have town water and sewage that's all out in the front.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: Move we set up Mr. Donovan for a public hearing on his requested variances at 204 Summit Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

*Prelim: Apr. 22, 2002*  
*#02-26*

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: 4/9/02**

**APPLICANT: Raymond Donovan  
204 Summit Drive  
New Windsor, NY 12553**

**COPY**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:**

**FOR : Existing Shed**

**LOCATED AT: 204 Summit Drive**

**ZONE: R-4      Sec/Blk/ Lot: 8-1-18**

**DESCRIPTION OF EXISTING SITE: Existing one family**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Existing shed does not meet minimum 10ft side & rear yard set-backs.

  
**BUILDING INSPECTOR**

PERMITTED 10ft

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: 48-14-A-1-B - *Col's. FrG.*

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

4ft6in

5ft6in

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

4ft

6ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Trunk  
ZBA

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 275

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

RAYMOND DONOVAN

Address

204 Summit Dr

Phone #

845 562 7781

Mailing Address

NEW WINDSOR N.Y. 12553

Fax #

Name of Architect

Address

Phone

Name of Contractor

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of Summit Drive  
(N, S, E or W)  
and 500' + feet from the intersection of ONA Lane.

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N X

3. Tax Map Description: Section 8 Block 1 Lot 18

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other 8x12  
EXISTING SHED

6. Is this a corner lot? \_\_\_\_\_

7. Dimensions of entire new construction. Front 8' Rear 8' Depth 12' Height 10' No. of stories 1

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$ 50.00

1 / 1  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

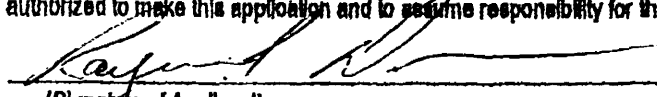
Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lial & Louis Kryohear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4895 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

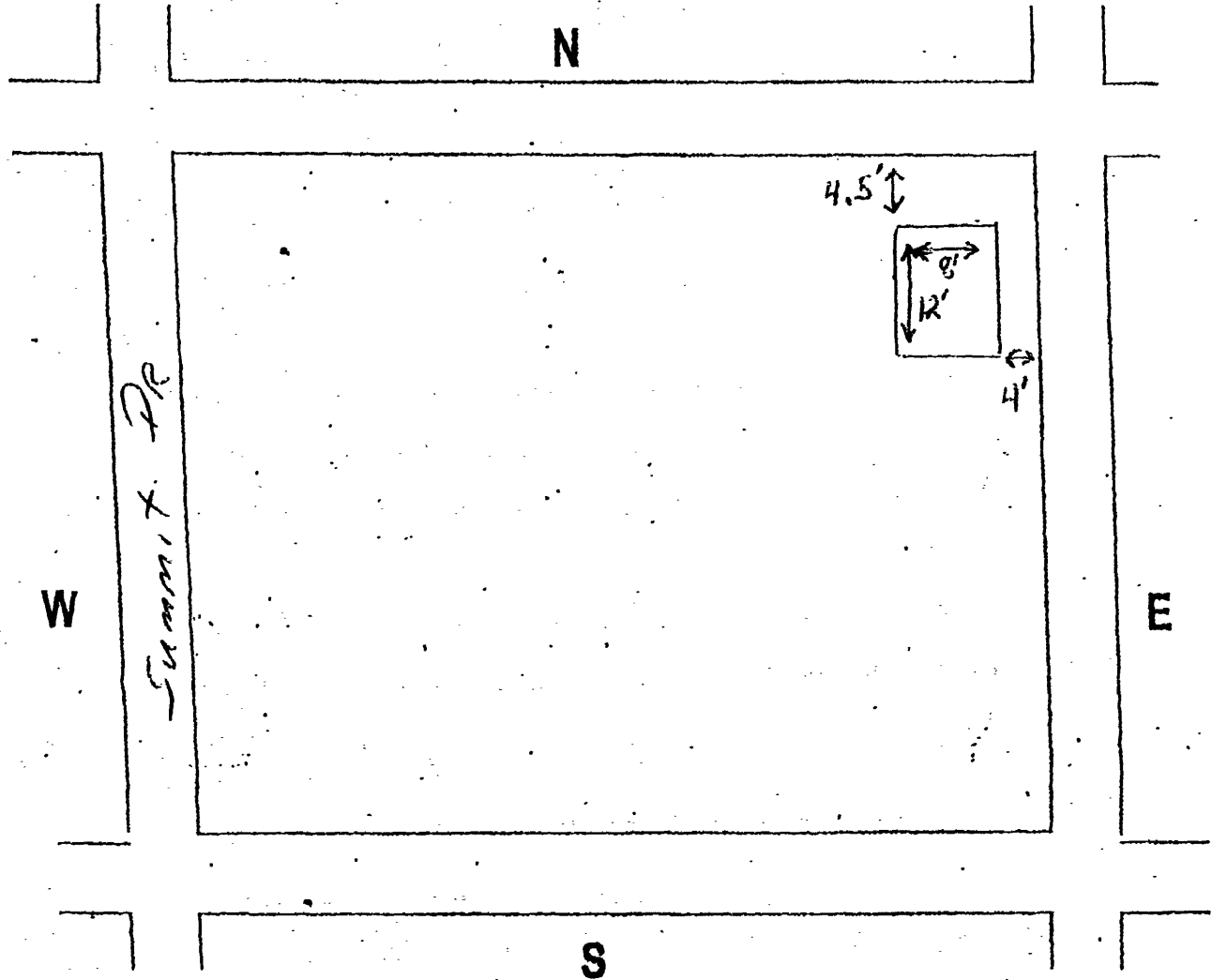
204 Summit Dr.  
(Address of Applicant)

\_\_\_\_\_  
(Owner's Signature)

PLOT PLAN

NOTE:

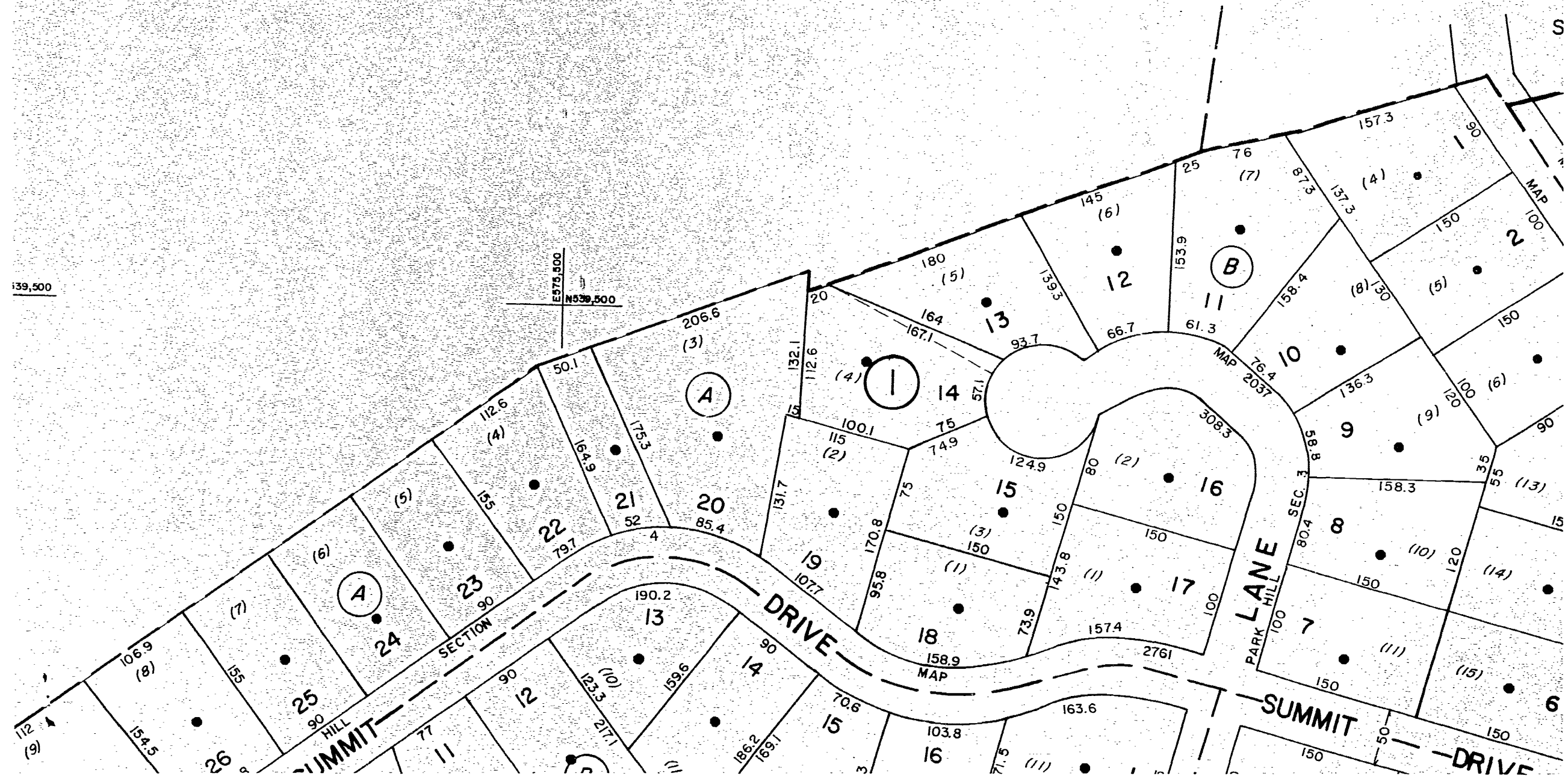
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

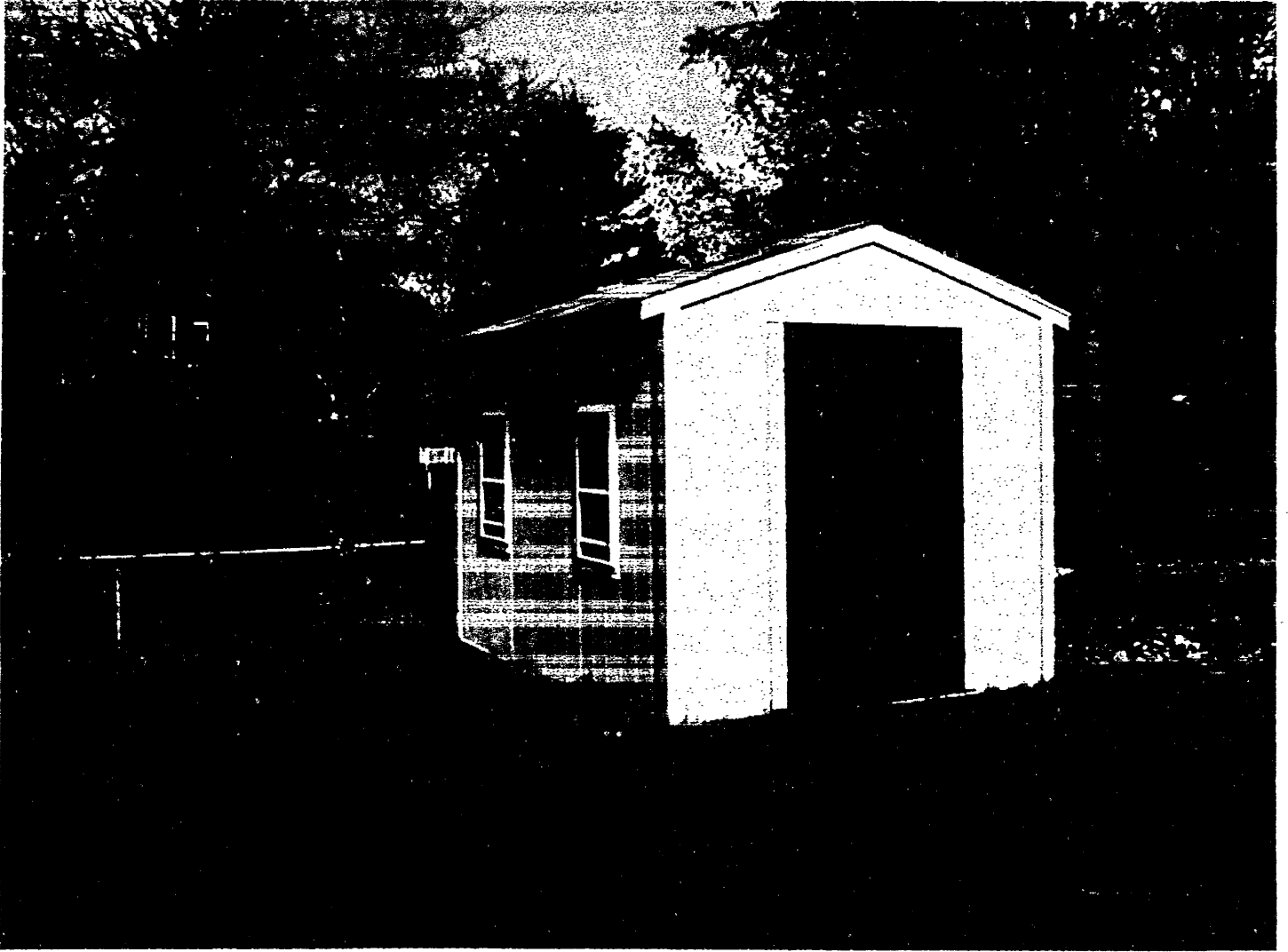




139,500

E 575.500  
N 539.500

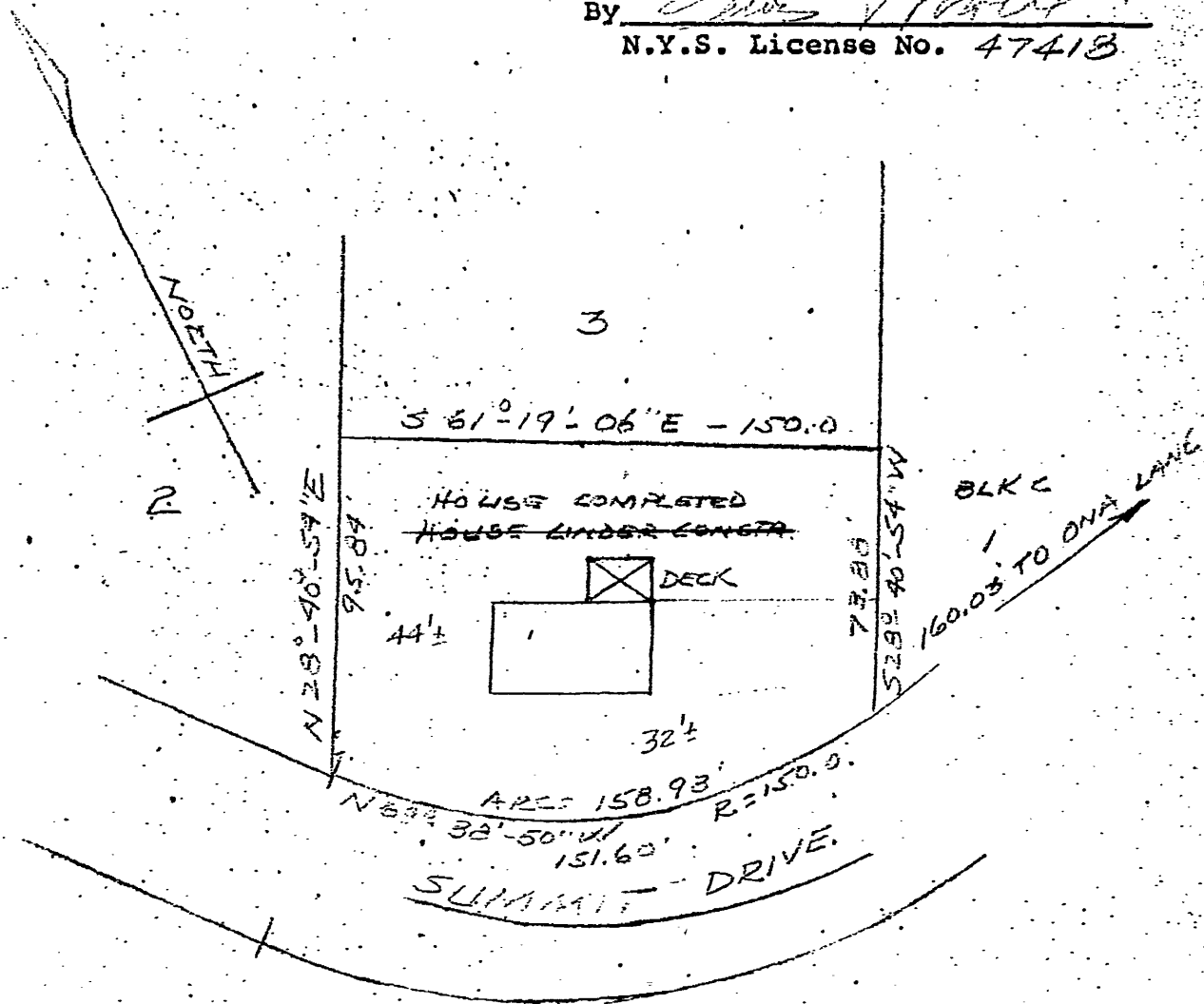






I hereby certify to the Provident Savings and Loan Association of Haverstraw, New York, and the American Title Insurance Company that the house is located entirely within the bounds of the lot as shown.

By James T. Ball  
N.Y.S. License No. 47418



SURVEY FOR  
BLOCK A LOT 1  
SECTION 4  
PARK HILL

TOWN OF NEW WINDSOR

COUNTY OF ORANGE

SCALE - 1" = 50'

MARCH 8, 1973

REVISED MAY 3, 1973

REVISED 6/28/73

EUSTANCE & HOROWITZ, P.C.  
CIRCLEVILLE, NEW YORK 10919

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

-----X  
In the Matter of the Application for Variance of

Ray Donovan,

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 02-22.

-----X  
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

Rosemarie Meyer, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 22 day of May, 2002, I compared the 60 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Rosemarie Meyer

Sworn to before me this

22nd day of May, 2002.

Patricia A. Corsetti  
Notary Public

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2005.

Pls. publish immediately. Send bill to Applicant.

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 26

Request of RAYMOND DONOVAN

for a VARIANCE of the Zoning Local Law to Permit:

EXISTING DECK AND EXISTING SKED  
w/ less than the allowable rear & side yards;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Cols. F+G

for property situated as follows:

204 Summit DR. NEW WINDSOR NY 12553

known and designated as tax map Section 8, Blk. 1 Lot 18

**PUBLIC HEARING** will take place on the 10<sup>th</sup> day of June,  
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

60

## Assessors Office

May 1, 2002

Mr. Raymond Donovan  
204 Summit Drive  
New Windsor, NY 12553

Re: 8-1-18

Dear Mr. Donovan:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/srr

Attachments

ON: PM CUNNINGHAM, ZDAV



4-2-7.1  
City School District of Newburgh ✓  
98 Grand Street  
Newburgh, NY 12550

8-1-5  
Charles & Rita Welch ✓  
20 Park Hill Drive  
New Windsor, NY 12553

8-1-15  
Kirk Andrews ✓  
2 Ona Lane  
New Windsor, NY 12553

7-3-4 & 7-3-10  
John & Martha Petro ✓  
8 Park Hill Drive  
New Windsor, NY 12553

8-1-6  
Michael Peter Williams ✓  
22 Park Hill Drive  
New Windsor, NY 12553

8-1-16  
Thomas & Laura Anderson ✓  
4 Ona Lane  
New Windsor, NY 12553

7-3-5.1 & 7-3-6  
William & Eda McPhillips ✓  
481 Union Avenue  
New Windsor, NY 12553

8-1-7  
Humberto & Clara Cappas ✓  
15 Ona Lane  
New Windsor, NY 12553

8-1-17  
Franklin & Virginia Reggero ✓  
6 Ona Lane  
New Windsor, NY 12553

7-3-12  
George & Athena Carlone ✓  
17 High Wood Drive  
New Windsor, NY 12553

8-1-8  
Christopher Isaacs ✓  
13 Ona Lane  
New Windsor, NY 12553

8-1-19  
Robert Delson ✓  
206 Summit Drive  
New Windsor, NY 12553

7-3-13  
Joseph & Frances Roca ✓  
26 Samantha Court  
New Windsor, NY 12553

8-1-9  
Lynn & Mary Pyle ✓  
11 Ona Lane  
New Windsor, NY 12553

8-1-20  
Gerardo & Elba Figueroa ✓  
208 Summit Drive  
New Windsor, NY 12553

7-3-14.2  
Mark & Divina Wicher ✓  
19 Samantha Court  
New Windsor, NY 12553

8-1-10  
Jose & Caysel Delacruz ✓  
9 Ona Lane  
New Windsor, NY 12553

8-1-21  
Town of New Windsor ✓  
555 Union Avenue  
New Windsor, NY 12553

8-1-1  
Robert & Margaret Rizzuto ✓  
10 Park Hill Drive  
New Windsor, NY 12553

8-1-11  
Anthony & Maria Landi ✓  
7 Ona Lane  
New Windsor, NY 12553

8-1-22  
John & Sandra Cranston ✓  
210 Summit Drive  
New Windsor, NY 12553

8-1-2  
Karen DeCrosta L.E. ✓  
Marino DeCrosta  
225 St. Andrew Road  
Walden, NY 12586

8-1-12  
Clara Sgammato & Alida Graham ✓  
5 Ona Lane  
New Windsor, NY 12553

8-1-23  
Edward & Lorraine Finn ✓  
212 Summit Drive  
New Windsor, NY 12553

8-1-3  
Frederick Loggia, Jr. ✓  
14 Park Hill Drive  
New Windsor, NY 12553

8-1-13  
James & Monica Hubbard ✓  
3 Ona Lane  
New Windsor, NY 12553

8-1-24  
Raphael & Maria Serrano ✓  
214 Summit Drive  
New Windsor, NY 12553

8-1-4.1  
John & Rose Ann Coakley ✓  
18 Park Hill Drive  
New Windsor, NY 12553

8-1-14  
John & Rhoda Harvin ✓  
1 Ona Lane  
New Windsor, NY 12553

8-1-25  
Daniel & Diana Morales ✓  
216 Summit Drive  
New Windsor, NY 12553

8-3-1  
Saverio & Gloria Cea ✓  
17 Ona Lane  
New Windsor, NY 12553

8-3-2  
Catherine Scully ✓  
24 Park Hill Drive  
New Windsor, NY 12553

8-3-3  
Nicholas Cracolici ✓  
26 Park Hill Drive  
New Windsor, NY 12553

8-3-4  
Dawn Pinder & Theodore Simroe ✓  
28 Park Hill Drive  
New Windsor, NY 12553

8-3-5  
Louise Price ✓  
30 Park Hill Drive  
New Windsor, NY 12553

8-3-17  
Helaine & Gerald Hecht ✓  
25 Ona Lane  
New Windsor, NY 12553

8-3-18  
Philip Masciola ✓  
23 Ona Lane  
New Windsor, NY 12553

8-3-19  
Arthur & Shirley Zodikoff ✓  
21 Ona Lane  
New Windsor, NY 12553

8-3-20  
Francis & Doris Rich ✓  
19 Ona Lane  
New Windsor, NY 12553

8-5-1  
Edward & Norma Alexander ✓  
14 Ona Lane  
New Windsor, NY 12553

8-5-2  
Michael Pisano ✓  
16 Ona Lane  
New Windsor, NY 12553

8-5-18  
Gregory & LisaMarie Harden ✓  
107 Parkdale Drive  
New Windsor, NY 12553

8-5-19  
Louis & Bernadette Drost ✓  
105 Parkdale Drive  
New Windsor, NY 12553

8-5-20  
Mary Jane Bonello ✓  
103 Parkdale Drive  
New Windsor, NY 12553

8-6-1  
Andrew III & Mary Jo Maroney ✓  
8 Ona Lane  
New Windsor, NY 12553

8-6-2  
George & Patricia McEvoy ✓  
10 Ona Lane  
New Windsor, NY 12553

8-6-3  
Luisa Acosta & Carlos Carrasco ✓  
12 Ona Lane  
New Windsor, NY 12553

8-6-4  
Paul Fernandez ✓  
104 Parkdale Drive  
New Windsor, NY 12553

8-6-5  
Eric & Patricia Moller ✓  
106 Parkdale Drive  
New Windsor, NY 12553

8-6-6  
Joseph & Catherine Crecco ✓  
108 Parkdale Drive  
New Windsor, NY 12553

8-6-7  
Robert & Marsha Norma Corcoran ✓  
110 Parkdale Drive  
New Windsor, NY 12553

8-6-8  
David & Rosalyn Sherman ✓  
219 Summit Drive  
New Windsor, NY 12553

8-6-9  
Gregory Biasotti ✓  
217 Summit Drive  
New Windsor, NY 12553

8-6-10  
Frank & Lucy Bonnano ✓  
215 Summit Drive  
New Windsor, NY 12553

8-6-11  
Peter Papageorgantis & Anna Yanakis ✓  
213 Summit Drive  
New Windsor, NY 12553

8-6-12  
John & Helen Buckley ✓  
211 Summit Drive  
New Windsor, NY 12553

8-6-13  
WT & Lore Cooper ✓  
209 Summit Drive  
New Windsor, NY 12553

8-6-14  
Charles & Marsha Rein ✓  
207 Summit Drive  
New Windsor, NY 12553

8-6-15  
Andrew Niejadlik ✓  
205 Summit Drive  
New Windsor, NY 12553

8-6-16  
Dominick & Judy Passantino ✓  
203 Summit Drive  
New Windsor, NY 12553

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**

# 02-22.  
Date: 5/20/02.

✓  
**I. Applicant Information:**

- (a) RAYMOND DONOVAN 204 Summit DR NEW WINDSOR 562 7781  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect/surveyor)

**II. Application type:**

☐ Use Variance  
☒ Area Variance

☐ Sign Variance  
☐ Interpretation

✓  
**III. Property Information:**

- (a) R-4 204 Summit DR. NEW WINDSOR NY 12553 8-1-18 1/3 ACRE  
(Zone) (Address of Property in Question) (S-B-L) (Lot size)
- (b) What other zones lie within 500 feet? \_\_\_\_\_
- (c) Is pending sale or lease subject to ZBA approval of this Application? YES
- (d) When was property purchased by present owner? YES.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO. If so, when? \_\_\_\_\_.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? YES.

**IV. Use Variance. N/P**

- (a) Use Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(Describe proposal) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

why you believe the ZBA should grant your application for an area variance:

Deck: ORIGINAL DECK WAS 31 FT. FROM REAR - 12' X 20' - NEW DECK IS 31 FT. FROM REAR 12' X 45'. THE DECK HAS NO ADVERSE EFFECT ON THE NEIGHBORHOOD & IT HAS NO ADVERSE EFFECT ON THE ENVIRONMENT.  
SHED: THE SHED WAS PLACED IN THE REAR LEFT HAND CORNER OF BACK YARD. MY VI. Sign Variance: N/A REAR YARD IS ONLY 50 FT. DEEP - PUTTING IT 10 FT. FROM PROPERTY LINE WOULD REDUCE SAFE PLAY AREA FOR CHILDREN

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign (s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

---

---

---

---

---

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and free-standing signs? \_\_\_\_\_.

VII. Interpretation. N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_.
- (b) Describe in detail the proposal before the Board:

---

---

---

---

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

THE DECK BLENDS INTO THE HOUSE & IS PLEASING TO THE EYE.

THE SHED MATCHES THE HOUSE IN COLOR & SHAPE - IT DOESN'T BLOCK ANYONE'S VIEW.

BOTH THE DECK & SHED ARE RIGHT IN LINE WITH THE NEIGHBORHOOD.

(b) The legal standard for a "Use" Variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

---

---

---

---

---

✓ V. Area Variance:

(a) Area variance requested from New Windsor Zoning Local Law,  
Section 48-12, Table of Use/Bulk Regs., Col. F, G.

	Permitted	Proposed or Available	Variance Request
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	<u>SHED</u> 10 ft.	<u>4.5 ft.</u>	<u>5.5 ft.</u>
	<u>SHED</u> 10 ft.	<u>4 ft.</u>	<u>6 ft.</u>
Reqd. Rear Yd.	<u>DECK</u> 40 ft.	<u>31 ft.</u>	<u>9 ft.</u>
Reqd. Street Frontage*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
Parking Area			

\* Residential Districts only

\*\* Non-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe

**IX. Attachments required:**

- ☐ Copy of referral from Bldg./Zoning Inspector or Planning Board.
- ☐ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 60.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

**X. Affidavit.**

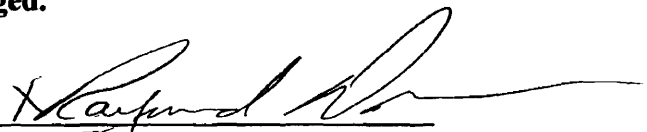
Date: 5/20/02

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

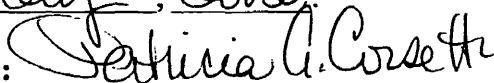
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

  
(Applicant)

Sworn to before me this

20th day of May, 2002.

**XI. ZBA Action:**



(a) Public Hearing date: \_\_\_\_\_.

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2 005.

Date 4/24/02

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Ensigns Beth  
162 W. Dairy Lane  
New Windsor, NY 12553 DR.

DATE			CLAIMED	ALLOWED
4/24/02		Zoning Board Mtg	75.00	
		Misc. 2		
		Westage - 2		
		Pondron - 3 13.50		
		Gashri - 1		
		Smith - 2		
		Dwyer - 3		
		Trapp - 3		
		M. H. H. H. H. H. - 5		
		Meyer - 4		
		Tip - 3	126.00	
		28	201.00	